

July 6, 2010

Commissioners met on this day with the following members present: Paul Wilson, Jeff Hardin and John Richwine. Also present were County Attorney Jerry Shine, County Auditor Kathy Stoops-Wright, Deputy Auditor Jane Lyons and Commissioners Office Manager Linda Smith.

**IN THE MATTER OF UNSAFE BUILDING VIOLATIONS**

Planning Director, Cory Wilson, presented the following properties in Hoppess Addition in Union Township as Unsafe Buildings:

4006 E. 36<sup>th</sup> St.  
4010 E. 36<sup>th</sup> St.  
4005 E. 37<sup>th</sup> St.

The following violations were presented:

**4006 E. 36<sup>th</sup> St:** fire damage, debris.

On May 18, 2010, property owner, Jeffrey Johnson, was notified of the Order of Demolition. There was a foreclosure on the property but the bank did not take title of the property so the owners remain the same. Cory Wilson, Building Commissioner presented the following evidence as Exhibits:

## Exhibit A-Title Search (Copy Available in the Auditor's Office)

**ROWLAND TITLE COMPANY, INC.**  
1503 JACKSON STREET  
ANDERSON, INDIANA 46016  
PHONE (765)644-8712 FAX (765)649-2877

ORDER NO. 120422

PREPARED FOR: MADISON COUNTY PLANNING COMMISSION

EFFECTIVE DATE OF SEARCH: APRIL 11, 2010 at 8:00 am

**LEGAL DESCRIPTION:**

LOT NUMBERED TWENTY (20) IN HOPPE'S VALLEY GROVE, A SUBDIVISION IN UNIONTOWNSHIP,  
MADISON COUNTY, INDIANA.

MADISON COUNTY

COMMONLY KNOWN AS: 4805 EAST 36TH STREET, ANDERSON, INDIANA 46017

NOTE: The street address is shown for identification purposes and for convenience only. It should not be construed as  
 lessening the accuracy of the street address as it relates to the insured premises.

CURRENT TITLE HOLDER BY LAST DEED OF RECORD:

JEFFERY L. JOHNSON and CHRISTAL E. JOHNSON, Husband and Wife

By Deed Recorded On: MARCH 16, 2001  
In Deed Record: As Instrument No.: 200105509

## UNRELEASED MORTGAGES OF RECORD:

Mortgage for: \$37,600.00  
From: JEFFERY L AND CHRISTAL E JOHNSON  
To: US BANK NATIONAL ASSOCIATION  
Dated: MAY 3, 2001, Recorded: MAY 05, 2001  
In Instrument No.: 200111382  
In the Office of the Recorder of MADISON County, Indiana

MECHANICS (LENS 11 YEAR LAST PAST) OR SENIOR LENS 10 YEARS LAST PAST):

NONE FOUND

GENERAL JUDGMENT REASON: NONE FOUND X SEE FOLLOWING FOR FINDINGS INCLUDING FEDERAL TAX, STATE TAX AND PERSONAL PROPERTY TAX LIENS (FOR TEN YEARS LAST PAST)

A. Decree of Dissolution of marriage between CHRISTAL JOHNSON AND JEFFERY L. JOHNSON, Cause No. 4803 0239 DR 00066. "Petitioner/Mother's order to pay Respondent/Father the sum of \$17,575.00 will be paid immediately from the net proceeds of the sale of the real estate set over to Mother in the Decree or from any inheritance that Mother receives. The \$17,575.00 shall be a lien against the real estate set over to Mother; and Father shall be a judgment creditor for \$17,575.00 in any estate from which Mother will receive an inheritance"

D. Judgment entered AUGUST 23, 2002 in Judgment Docket 52, page 215, from the SMALL CLAIMS Court of MADISON COUNTY in Cause No. 48E01 0205 SC 1193, in favor of THE COURTYARD APTS against JEFFREY JOHNSON for the sum of \$1729.88, plus interest, costs and attorneys fees.

C. Judgment entered JUNE 23, 2004 in Judgment Docket 55, page 228, from the SMALL CLAIMS Court of MADISON COUNTY in Cause No. 48602 0404 SC 01132, in favor of MUTUAL HOSPITAL SERVICES against JEFFREY JOHNSON for the sum of \$524.13, plus interest, costs and attorneys fees.

0. Judgment entered APRIL 5, 2009 in Judgment Docket 112, page 78, from the CIRCUIT Court of MADISON COUNTY in Cause No. 42C91 0602 MF 00112, in favor of US BANK against JEFFERY L. & CHRISTAL E. JOHNSON for the sum of \$37,452.21, plus interest, costs and attorney's fees.

## TAXES, DRAIN ASSESSMENTS AND BARRETT LAW ASSESSMENTS

A. Taxes for the year 2007 payable 2008 and prior years, for Key No. 15-0113-1-092, are UNPAID and DELINQUENT in the amount of \$2,821.84.

B. Taxes for 2008 due and payable in 2009

(HOPPEN VALLEY GROVE L. 0236)

A. 1st instalment & 2nd instalment due NOVEMBER 10, 2009 ----- \$733.48 UNPAID  
CURRENT PENALTY \$73.36 UNPAID

is the name of JOHNSON JEFFERY L & CHRISTAL E, Key No. 15-0113-1-002, Taxing Unit: UNION TOWNSHIP-15. Value of land \$54,889.88, value of improvements \$45,400.00. Homestead Exemption \$22,500.00. Mortgage Exemption \$3,000.00. Veterans Exemption \$0.00. Old Age Exemption \$0.00. Disability Exemption \$0.00. H55 \$5,364.00. STC 9481224488643000033.

NOTE: The current regulations, as shown, may not be applied to the succeeding tax years.

NOTE: THE ABOVE REAL ESTATE TAX INFORMATION WAS TAKEN FROM THE TREASURER'S COMPUTER SYSTEM. SAID INFORMATION, WHILE BELIEVED TO BE ACCURATE, IS SUBJECT TO CHANGE WITHOUT NOTICE.

Delinquent installments of real estate taxes are subject to a 5 percent penalty if paid less than 30 days late, and a 10 percent penalty if paid more than 30 days late. Penalties increase every 6 months. The exact amount payable to extinguish delinquent taxes must be confirmed with the County Treasurer at the time of closing.

NOTE: CONTACT MADISON COUNTY TREASURER FOR CURRENT AMOUNT DUE THAT WILL INCLUDE ALL PENALTIES AND INTEREST.

July 6, 2010

Exhibit B-Photo's



July 6, 2010

Exhibit C-Order of Demolition (Copy Available in the Auditor's Office)

STATE OF INDIANA )  
COUNTY OF MADISON )  
OFFICE OF THE BUILDING COMMISSIONER  
MADISON COUNTY, INDIANA

EMERGENCY ACTION TAKEN TO DEMOLISH AND REMOVE:

TO: Jeffrey L. & Christal E. Johnson

&

U.S. Bank National Association

Notice to all heirs; or

Owner and/or Party in Interest

For the property located at:

LEGAL DESCRIPTION:

Lot # 20 in Hoppen's Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County.

Commonly Known As: 4006 East 36<sup>th</sup> Street, Anderson, Indiana

BUILDING DESCRIPTION:

A recent inspection was conducted on October 7, 2009 & June 16<sup>th</sup>, 2010 by the Office of the Building Commissioner indicates that the building/structure(s) as identified in the "Findings of Fact" and described above is (are) unsafe per County Ordinance Art. 4 Unsafe Buildings seq. and Indiana Statute I.C. 36-7-9-1 et seq. The "Findings of Fact" detail that the property is in a poor state of repair and that the condition renders it unsafe to persons or property. It is an immediate hazard to public health and constitutes a public nuisance. It is found to be an unsafe building as per provisions contained in Ordinance Article 4 Unsafe Buildings et seq for Madison County, Indiana which Ordinance adopts provisions of Indiana Statute I.C. 36-7-9-1 et seq. Therefore, the Building Commissioner has taken emergency action to demolish and remove the structure(s), junk, trash & debris. **The Building Commissioner is conducting an Emergency Bid opening July 6<sup>th</sup>, 2010 at 11:00 AM for emergency demolition.** It is the Building Commissioner's intent to have the structure razed within 48 hours of bid opening.

NOTICE OF REVIEW HEARING

A HEARING WILL BE HELD AT 11:00 AM upon this date: July 6<sup>th</sup>, 2010 in Commissioner's Court Room 110 at 16 East 9<sup>th</sup> Street, Anderson, Indiana. A review hearing has been scheduled for this Emergency Action by the Building Commissioner.

the property at your expense. In addition to the demolition and removal costs, you will be charged all costs incurred by the County plus an average processing expense to cover the County's administrative expenses in having the building demolished and removed.

If the owner(s) (or life estate holders) do not make arrangements to repay Madison County, the County may take either Court action to recover the money owed and obtain a personal judgment per provisions set out in Indiana Statute I.C. 36-7-9-13; or, certify to the County Auditor the total amount owed, including accrued interest, to be collected on the tax duplicate as a special assessment in the same manner as delinquent taxes are collected as per provisions in Indiana Statute I.C. 36-7-9-13.5.

The Board of Commissioners may also request a Court to appoint a receiver to take control of the property. The Court may also impose penalties up to One Thousand Dollars (\$1,000.00), applicable against each party with an interest in said real estate and/or each party as having committed a Class "C" infraction.

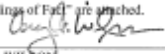
TRANSFER OF PROPERTY WHICH IS  
SUBJECT TO AN ORDER TO DEMOLISH OR REMOVE

If you plan to transfer, (sell, mortgage, rent or lease) this property after receiving this Order, the law and provisions of the Ordinance require you to do the following:

1. Supply full information about the Order to the person(s) to whom the property is being transferred before the transaction is completed, and
2. Within five (5) days after the transfer, supply to the Building Commissioner, in writing, the: 1) name, 2) address, and 3) telephone number of the person(s) to whom the property has been transferred, and 4) an accurate copy of the legal document used for the transaction.

IF YOU HAVE ANY QUESTIONS ABOUT THIS ORDER, PLEASE CONTACT THE OFFICE OF THE BUILDING COMMISSIONER BY CALLING 641-9541 OR BY VISITING THE OFFICE OR WRITING TO THE BUILDING COMMISSIONER AT THE ABOVE ADDRESS.

The "Findings of Fact" are attached.

BY:   
CORY A. WILSON  
BUILDING COMMISSIONER

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this date: June 22<sup>nd</sup>, 2010

My Commission Expires: April 18, 2017  
  
JUDY KING, NOTARY PUBLIC  
RESIDENT OF MADISON COUNTY, IN

Prepared By: Gerald Shine, Jr., County Attorney

You (or your representative) will be permitted to appear at the hearing alone or with other persons, including an attorney. You may present any evidence concerning your position on the Emergency Action taken by the Building Commissioner. You may also question the Building Commissioner or any other person(s) who speak at the hearing regarding this Emergency Order and Emergency Demolition.

The Board of Commissioners may affirm, modify, or rescind the financial responsibility for this Emergency Action, or may continue this hearing to a future date to allow you to present your case.

IF YOU DO NOT ATTEND, A DECISION WILL BE MADE IN YOUR ABSENCE. If you cannot attend, please be sure to call the Office of the Building Commissioner listed below between 8:00 A.M. and 4:00 P.M., Monday thru Friday. The Building Commissioner or a representative will return your call or someone else will be able to help you. You may also write to the Office of the Building Commissioner at 16 East 9<sup>th</sup> Street, Room 200, Anderson, IN 46016.

DATE OF ISSUE:  
June 22, 2010 Cory A. Wilson

  
BUILDING COMMISSIONER  
Madison County, Indiana  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016  
765/641-9541

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this date: June 22, 2010

My Commission Expires: April 18, 2017  
  
JUDY KING, NOTARY PUBLIC  
RESIDENT OF MADISON COUNTY, IN

Prepared By:  
Gerald Shine, County Attorney  
IMPORTANT: Please read reverse side for additional information.

Certified Mail issued No. \_\_\_\_\_ this date: \_\_\_\_\_  
Return Receipt No. \_\_\_\_\_, dated \_\_\_\_\_  
ITEMS FOR INSPECTION REPORT:

ENFORCEMENT ACTION

If the Board of Commissioners affirms this Order, you will be financially responsible for the demolition. The Madison County Unsafe Building Law, which includes the Indiana Statute I.C. 36-7-9-1 et seq., permits the Building Commissioner to hire a contractor, selected by public bid to demolish and remove the subject building and make clearance of

July 6, 2010

Exhibit D- Notice to Owner (Copy Available in the Auditor's Office)

STATE OF INDIANA )  
COUNTY OF MADISON )

OFFICE OF THE BUILDING COMMISSIONER  
MADISON COUNTY, INDIANA

NOTICE TO OWNER(S) OF PUBLIC BID FOR DEMOLITION

TO: Jeffrey L. & Christal E. Johnson

&

U.S. Bank National Association

Owner and/or Party In Interest

RE: Lot # 20 in Hoppes' Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County.

Commonly Known As: 4006 East 36<sup>th</sup> Street, Anderson, Indiana

The Order to Demolish and Remove the above structure(s) was affirmed or modified by the Building Commissioner of Madison County, Indiana at a hearing on the 18<sup>th</sup> day of May, 2010. This notice is to inform you that there will be a public bidding to hire a contractor to accomplish the demolition to comply with the Order of the Building Commissioner and the Unsafe Building Ordinance of Madison County.

Bids will be opened by the Building Commissioner of the Madison County Planning Commission located at 16 East 9<sup>th</sup> Street, Anderson, IN 46016 at 11:00 AM on the 6th day of July, 2010.

Information regarding the bids on specific structures will be available for review at the Office of the Building Commissioner two days following the bid opening.

Fifteen (15) days after completion of the work by the contractor, you will receive an invoice of the amount due to Madison County. This amount, according to the Unsafe Building Code per County Ordinance Art. 4 Unsafe Building seq. and Indiana State I.C. 36-7-9-1 et seq. will represent:

1. The bid price of the work accomplished by the contractor;
2. The costs of the County directly associated with inspection and site monitoring; and
3. The amount of \$ \_\_\_\_\_ determined by the Building Commissioner as "average processing expense" which represents administrative and office costs incurred by the Office of the Building Commissioner in performing the required action.

If the amount indicated is not paid after thirty (30) days have elapsed after date of the invoice for completion of the work, the County may either take court action against all persons having a fee interest or life estate interest in the unsafe premises; or, the County can certify to the County Auditor the amount owed, including accrued interest, to be collected on the tax duplicate as a special assessment in the same manner as delinquent taxes are collected as per provisions in Indiana State I.C. 36-7-9-13.5.

Date of Issue:  
June 22, 2010

  
Cory A. Wilson  
Building Commissioner, Madison Cty.  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016

Nature of Order:

Being duly sworn upon his oath, the undersigned deposes and says:

1. The above-described Order of the Building Commissioner was delivered to the above listed Party by the method indicated below:
  - \_\_\_\_\_ Services made by publication, as provided by IC 36-7-9-25(b)
  - \_\_\_\_\_ Delivering a copy of the Order personally.
  - \_\_\_\_\_ Leaving a copy of the Order at the dwelling house or usual place of abode of the person(s) to be notified.
  - ☒ Mailing a copy of the Order by United States Mail, postage prepaid, with Certified Mail Return Receipt requested, to the address listed above upon this date.
2. This affidavit is made for the purpose of complying with the Madison County Unsafe Building Code as set forth in Article 4 Unsafe Buildings seq. and Indiana State Code I.C. 36-7-9-1 et seq.

I SWEAR OR AFFIRM, UNDER PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

RECEIVED  
JUN 23 2010  
BY: \_\_\_\_\_

  
Cory A. Wilson, Building Commissioner  
Madison County, Indiana  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016  
765/641-9541

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison, and State of Indiana, this date: June 22, 2010

My Commission Expires: 11-15-10  
END OF DOCUMENT  
  
Elizabeth A. Bruns

PLANNING COMMISSION  
OFFICE TO LIZ

201007062 OFFIDAVIT \$0.00  
06/22/2010 11:07:52R 1 FOS  
Lisa Hobbs  
Madison County Recorder IN  
Recorded as Presented  
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STATE OF INDIANA )  
COUNTY OF MADISON )

OFFICE OF THE BUILDING COMMISSIONER  
MADISON COUNTY, INDIANA

AFFIDAVIT OF SERVICE

RE: Emergency Order to Demolish - 4006 East 36<sup>th</sup> Street, Anderson, Indiana

Issuance Date: June 22, 2010

Party to Whom Order Issued:

Jeffrey L. & Christal E. Johnson

&

U.S. Bank National Association

Legal Description of Real Estate, which is Subject of Order:

Lot # 20 in Hoppes' Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County.

Commonly Known As: 4006 East 36<sup>th</sup> Street, Anderson, Indiana

July 6, 2010



Madison  
County  
Planning  
Commission

Madison County  
Government Center  
16 E. 9th Street, Box 11  
Anderson, IN 46016  
Phone: (765) 641-6941  
www.mcpaindiana.net

# NOTICE OF ORDER

Order Date: May 18, 2010

RE: Unsafe Structure / Premise 4006 East 36<sup>th</sup> St, Anderson

Jeffrey L. Johnson  
4006 East 36th Street  
Anderson, Indiana 46017

Dear Mr. Johnson:

This order is to serve notice that you are in violation of the Madison County Unsafe Building Code, which adopts the Indiana Unsafe Building Law (IC 36-7-9) and authorizes the County to hire contractors for completing the actions ordered and to bill the owner all costs associated with the clean-up. You are being ordered to remove the structure(s), vehicle(s), and all miscellaneous items of fire-hazardous junk, trash and debris. In addition, the Madison County Board of Commissioners, as the hearing authority, may, after the hearing, order additional action, and where there is willful failure to comply with the order, impose a civil penalty of up to \$1,000 per day.

Time to complete this order is 30 days and this order becomes final 10 days after notice is given, unless a hearing is requested in writing by the owner or other persons having an interest in the property, and the request is delivered to the enforcement authority before the end of the 10-day period.

Note: It is the responsibility of the owner to notify any purchaser of the above listed property of this order and to inform the enforcement authority.

## Description of the violations of the property:

Vacant, uninhabitable fire-damaged structure, miscellaneous fire-hazardous junk, trash, debris, resulting in a public nuisance and an immediate public health concern.

If you have any questions about this letter or other planning and development issues, please feel free to contact me at 765-641-6941, or by email at [cjohnson@madisoncounty.com](mailto:cjohnson@madisoncounty.com).

Order Given By:

  
Cory A. Johnson  
Executive Director, Madison County Planning Commission  
Enforcement Authority Director

Attachment: Legal Description of Property  
Cc: Madison County Board of Commissioners

## Exhibit E-Facts and Findings (Copy Available in the Auditor's Office)

STATE OF INDIANA                    }       OFFICE OF THE BUILDING COMMISSIONER  
COUNTY OF MADISON            }       MADISON COUNTY, INDIANA  
**REPORT OF UNSAFE BUILDING & FINDINGS OF FACT BY THE BUILDING COMMISSIONER**

IN RE:     Jeffrey L. Johnson & Christal E. Johnson  
           US Bank National

Notice to all heirs; or

Owner and/or Party in Interest

The unsafe structure inspection by the Office of the Building Commissioner was conducted on October 7, 2009 & June 16<sup>th</sup>, 2010 of the following described real estate to-wit:

**Lot # 20 in Hoppes' Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County**

**Commonly Known As 4006 East 36<sup>th</sup> Street, Anderson, Indiana 46017**

Type of structure inspected (pictures attached):

Residence, Duplex, Apartment, or Other Dwelling Type Building

Garage, Shed, or Other Residential Type Out-Building

General Building Description: Fire-damaged structure, chimney, no roof, misc. junk & debris

Said described real estate is declared unsafe as per provisions contained in Building Code, Article Four: Unsafe Building Code for Madison County, Indiana and the adopted provisions of Indiana Code 36-7-9-4. Indiana Code 36-7-9-1 through 36-7-9-28 is incorporated by reference as the County Unsafe Building Ordinance. I.C. 36-7-9-4 states "A building or structure, or any part of a building or structure, that is:

- (1) in an impaired structural condition, that makes it unsafe to a person or property;
- (2) a fire hazard;
- (3) a hazard to the public health;
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or;
- (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use is considered an unsafe building...<AND>...For purposes of this...an unsafe building; and the tract of real property on which the unsafe building is located; are considered "unsafe premises".

The definition of an unsafe building is hereby supplemented to provide minimum standards for building condition or maintenance in Madison County, Indiana, by adding the following to said definitions. Any building or structure, which has any or all of the conditions or defects hereinafter described, shall be deemed an unsafe building, providing that such safety of the public or its occupants are endangered.

The following are applicable to the above-described real estate:

- X \_\_\_\_\_ Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.

X Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.


Pictures Attached.

Dated this 22nd day of June, 2010.

  
Cory A. Wilson  
Building Commissioner  
Madison County

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this 22nd day of June, 2010.

My Commission Expires:  
4-18-2012

  
Judy King

Prepared By:  
Gerald Shine

There were no objections or public input on this violation.  
Motion was made by Jeff Hardin to affirm the Order of Demolition and seconded by Paul Wilson. A roll call vote was taken. Motion carried unanimously.

**4010 E. 36<sup>th</sup> St.:** fire damage, septic tank exposed, debris.

On May 18, 2010, property owners, William and Tamra Vasbinder, were notified of the Order of Demolition, Cory Wilson, Building Commissioner presented the following evidence as Exhibits:

**Exhibit A-Title Search (Copy Available at the Auditor's Office)**

**ROWLAND TITLE COMPANY, INC.**  
1060 JACKSON STREET  
ANDERSON, INDIANA 46016  
PHONE (765)644-3712 FAX (765)648-2877

ORDER NO. 1334661

PREPARED FOR: MADISON COUNTY PLANNING COMMISSION

EFFECTIVE DATE OF SEARCH: APRIL 11, 2010 at 8:00 am

**LEGAL DESCRIPTION**

LOT NUMBERED TWENTY-ONE (21) IN HOPPER VALLEY GROVE, A SUBDIVISION IN UNION TOWNSHIP, AS RECORDED IN PLAT BOOK 9, PAGE 26, RECORDS OF SAID COUNTY.

SUBJECT TO ANY AND ALL EASEMENTS, AGREEMENTS AND RESTRICTIONS OF RECORD, THE ADDRESS OF SUCH REAL ESTATE IS COMMONLY KNOWN AS 4010 E. 36TH STREET, ANDERSON, MADISON COUNTY, INDIANA

**COMMONLY KNOWN AS:** 4010 EAST 36TH STREET, ANDERSON, INDIANA 46017 PER TAX PRINTOUT  
AKA KNOWN AS 4017 E. 36TH STREET, ANDERSON, MADISON COUNTY, INDIANA.

NOTE: The street address is shown for identification purposes and for convenience only. It should not be construed as insuring the accuracy of the street address as it relates to the insured premises.

**CURRENT TITLE HOLDER BY LAST DEED OF RECORD:**

WILLIAM MARSHALL VASBINDER AND TAMARA E. VASBINDER

By Deed Recorded On: OCTOBER 13, 2001  
As Instrument No.: 200125270

**UNRELEASED MORTGAGES OF RECORD:**

Rowland Title's search and examination reveals no open and unpaid mortgage on this land. Due to underwriter requirements, we require the execution of a specific affidavit of the current owners, confirming that there is no mortgage on the land at the present time. In recordable form.

**Mechanics Liens (1 Year Last Past) OR Sewer Liens (10 Years Last Past):**

NONE FOUND

**GENERAL JUDGMENT SEARCH: X NONE FOUND** SEE FOLLOWING FOR FINDINGS INCLUDING FEDERAL TAX, STATE TAX AND PERSONAL PROPERTY TAX LIENS (FOR TEN YEARS LAST PAST)

NONE FOUND

**TAXES, GRAY ASSESSMENTS AND BARNETT LAW ASSESSMENTS:**

A. Taxes for the year 2007 payable 2008 and prior years. For Key No. 15-0113-1-003, are UNPAID and DELINQUENT in the amount of \$5,684.93.

B. Taxes for 2008 due and payable in 2009

(HOPPER VALLEY GROVE L 021)

A. 1st Installment & 3rd Installment due NOVEMBER 10, 2009 ----- \$2,116.00 UNPAID  
CURRENT PENALTY \$211.60 UNPAID

In the name of VASBINDER WILLIAM MARSHALL & TAMARA E., Key No. 15-0113-1-003, Taxing Unit: UNION TOWNSHIP-11, Value of land \$13,800.00, value of improvements \$70,680.66, Homestead Exemption \$0.00, Mortgage Exemption \$0.00, Veterans Exemption \$0.00, Old Age Exemption \$0.00, Disability Exemption \$0.00, HDS \$0.00, S\*2 448122140684400003.

NOTE: The current exemptions, as shown, may not be applied to the succeeding tax years.

NOTE: THE ABOVE REAL ESTATE TAX INFORMATION WAS TAKEN FROM THE TREASURER'S COMPUTER SYSTEM. SAID INFORMATION, WHILE BELIEVED TO BE ACCURATE, IS SUBJECT TO CHANGE WITHOUT NOTICE.

Delinquent installments of real estate taxes are subject to a 5 percent penalty if paid less than 30 days late, and a 10 percent penalty if paid more than 30 days late. Penalties increase every 6 months. The exact amount payable to extinguish delinquent taxes must be confirmed with the County Treasurer at the time of closing.

C. Fee for Annual Maintenance of 250-016 HOPPER VALLEY GROVE for year 2009 ---- \$25.14 UNPAID  
CURRENT PENALTY \$25.14 UNPAID

Key No. 15-0113-1-003

July 6, 2010

CERTIFICATE

This search was performed at the request of the customer. Accordingly, the search was performed on the parcel(s) of real estate from the date that WILLIAM MARSHALL VASSINDER AND TAMRA E. VASSINDER took title to the to the current effective date of APRIL 11, 2010. No search was made for easements, or rights-of-way. Search was made for mortgages, mechanics liens, judgment liens, personal property tax liens, entries in the miscellaneous record, personal property tax judgments, pending law suits and notices of lis pendens. Any matters so found are reflected above.

This product is designed to be used for a low value second mortgage or similar mortgage loan and is not a substitute for title insurance. Further, this product is not appropriate to be used as a title search for foreclosure purposes; for foreclosure purposes a foreclosure commitment should be obtained.

ROWLAND TITLE COMPANY, INC.

DATE: April 26, 2010

BY: TOM ANDERSON  
AUTHORIZED SIGNATORY

THE LIABILITY OF ROWLAND TITLE COMPANY, INC UNDER THIS REPORT OF SEARCH IS LIMITED TO \$250,000

Exhibit B-Photo's





July 6, 2010

Exhibit C-Order of Demolition (Copy Available in the Auditor's Office)

STATE OF INDIANA )  
 ) OFFICE OF THE BUILDING COMMISSIONER  
 ) MADISON COUNTY, INDIANA  
COUNTY OF MADISON )

EMERGENCY ACTION TAKEN TO DEMOLISH AND REMOVE

TO: William M. Vashinder  
Tamara E. Vashinder  
James E. Beeman  
Bill Beeman

Notice to all heirs; or

Owner and/or Party in Interest

For the property located at:

LEGAL DESCRIPTION:

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A recent inspection was conducted on October 7, 2009 & June 16<sup>th</sup>, 2010 by the Office of the Building Commissioner indicates that the building/structure(s) as identified in the "Findings of Fact" and described above is (are) unsafe per County Ordinance Art. 4 Unsafe Buildings sec. and Indiana Statue I.C. 36-7-9-1 et seq. The "Findings of Fact" detail that the property is in a poor state of repair and that the condition renders it unsafe to persons or property. It is an immediate hazard to public health and constitutes a public nuisance. It is found to be an unsafe building as per provisions contained in Ordinance Article 4 Unsafe Buildings et seq for Madison County, Indiana which Ordinance adopts provisions of Indiana Statue I.C. 36-7-9-1 et seq. Therefore, the Building Commissioner has taken emergency action to demolish and remove the structure(s), chimney, junk, trash & debris. **The Building Commissioner is conducting an Emergency Bid opening July 6<sup>th</sup>, 2010 at 11:00 AM for emergency demolition.** It is the Building Commissioner's intent to have the structure razed within 48 hours of bid opening.

NOTICE OF REVIEW HEARING

A HEARING WILL BE HELD AT 11:00 AM upon this date: July 6<sup>th</sup>, 2010 in Commissioner's Court Room 110 at 16 East 9<sup>th</sup> Street, Anderson, Indiana. A review hearing has been scheduled for this Emergency Action by the Building Commissioner.

You (or your representative) will be permitted to appear at the hearing alone or with other persons, including an attorney. You may present any evidence concerning your position

on the Emergency Action taken by the Building Commissioner. You may also question the Building Commissioner or any other person(s) who speak at the hearing regarding this Emergency Order and Emergency Demolition.

The Board of Commissioners may affirm, modify, or rescind the financial responsibility for this Emergency Action, or may continue this hearing to a future date to allow you to present your case.

IF YOU DO NOT ATTEND, A DECISION WILL BE MADE IN YOUR ABSENCE. If you cannot attend, please be sure to call the Office of the Building Commissioner listed below between 8:00 A.M. and 4:00 P.M., Monday thru Friday. The Building Commissioner or a representative will return your call or someone else will be able to help you. You may also write to the Office of the Building Commissioner at 16 East 9<sup>th</sup> Street, Room 200, Anderson, IN 46016.

DATE OF ISSUE:  
June 22, 2010

  
Cory Wilson  
BUILDING COMMISSIONER  
Madison County, Indiana  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016  
765/641-9541

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this date: June 22, 2010.

My Commission Expires:  
April 18, 2017

  
JUDY KING, NOTARY PUBLIC  
RESIDENT OF MADISON COUNTY, IN

ENFORCEMENT ACTION

If the Board of Commissioners affirms this Order, you will be financially responsible for the demolition. The Madison County Unsafe Building Law, which includes the Indiana Statue I.C. 36-7-9-1 et seq., permits the Building Commissioner to hire a contractor, selected by public bid to demolish and remove the subject building and make clearance of the property at your expense. In addition to the demolition and removal costs, you will be charged all costs incurred by the County plus an average processing expense to cover the County's administrative expenses in having the building demolished and removed.

If the owner(s) (or life estate holders) do not make arrangements to repay Madison County, the County may take either Court action to recover the money owed and obtain a personal judgment per provisions set out in Indiana Statue I.C. 36-7-9-13; or, certify to the County Auditor the total amount owed, including accrued interest, to be collected on the tax duplicate as a special assessment in the same manner as delinquent taxes are collected as per provisions in Indiana Statue I.C. 36-7-9-13.5.



## Exhibit D-Notice to Owners (Copy Available in the Auditor's

STATE OF INDIANA ) OFFICE OF THE BUILDING COMMISSIONER  
COUNTY OF MADISON ) MADISON COUNTY, INDIANA

### NOTICE TO OWNER(S) OF PUBLIC BID FOR DEMOLITION

TO: William M. Vashbinder  
Tamara E. Vashbinder  
James E. Beeman  
Bill Beeman

Owner and/or Party In Interest

RE: Lot # 21 in Hoppes' Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County.

Commonly known as, 4010 (aka 4017) East 36<sup>th</sup> Street, Anderson, Indiana 46017.

The Order to Demolish and Remove the above structure(s) was affirmed or modified by the Building Commissioner of Madison County, Indiana at a hearing on the 18<sup>th</sup> day of May, 2010. This notice is to inform you that there will be a public bidding to hire a contractor to accomplish the demolition to comply with the Order of the Building Commissioner and the Unsafe Building Ordinance of Madison County.

Bids will be opened by the Building Commissioner of the Madison County Planning Commission located at 16 East 9<sup>th</sup> Street, Anderson, IN 46016 at 11:00 AM on the 6th day of July, 2010.

Information regarding the bids on specific structures will be available for review at the Office of the Building Commissioner two days following the bid opening.

Fifteen (15) days after completion of the work by the contractor, you will receive an invoice of the amount due to Madison County. This amount, according to the Unsafe Building Code per County Ordinance Art. 4 Unsafe Building sec. and Indiana Statute I.C. 36-7-9-1 et seq., will represent:

1. The bid price of the work accomplished by the contractor;
2. The costs of the County directly associated with inspection and site monitoring; and
3. The amount of \$\_\_\_\_\_ determined by the Building Commissioner as "average processing expense" which represents administrative and office costs incurred by the Office of the Building Commissioner in performing the required action.

If the amount indicated is not paid after thirty (30) days have elapsed after date of the invoice for completion of the work, the County may either take court action against all persons having a fee interest or life estate interest in the unsafe premises; or, the County can certify to the County Auditor the amount owed, including accrued interest, to be collected on the tax duplicate as a special assessment in the same manner as delinquent taxes are collected as per provisions in Indiana Statute I.C. 36-7-9-13.5.

Date of Issue:  
June 22, 2010

  
Cory A. Wilson  
Building Commissioner, Madison City,  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016

Office)

PLANNING COMMISSION  
CITY OF LEE

20100622003 MFID00VIT \$0.00  
06/22/2010 11:10:40A 1 P05  
Lee Wilson  
Madison County Recorder IN  
Recorded as Presented

STATE OF INDIANA ) OFFICE OF THE BUILDING COMMISSIONER  
COUNTY OF MADISON ) MADISON COUNTY, INDIANA

### AFFIDAVIT OF SERVICE

RE: Emergency Order to Demolish - 4010 (aka 4017) East 36<sup>th</sup> Street

Issuance Date: June 22, 2010

Party to Whom Order Issued:

William M. Vashbinder  
Tamara E. Vashbinder  
James E. Beeman  
Bill Beeman

Legal Description of Real Estate, which is Subject of Order:

Lot # 21 in Hoppes' Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County

Nature of Order: 4010 (aka 4017) East 36<sup>th</sup> Street

Being duly sworn upon his oath, the undersigned deposes and says:

1. The above-described Order of the Building Commissioner was delivered to the above listed Party by the method indicated below:

- \_\_\_\_\_ Services made by publication, as provided by IC 36-7-9-25(b)
- \_\_\_\_\_ Delivering a copy of the Order personally.
- \_\_\_\_\_ Leaving a copy of the Order at the dwelling house or usual place of abode of the person(s) to be notified.
- ☒ Mailing a copy of the Order by United States Mail, postage prepaid, with Certified Mail Return Receipt requested, to the address listed above upon this date.

2. This affidavit is made for the purpose of complying with the Madison County Unsafe Building Code as set forth in Article 4 Unsafe Buildings sec. and Indiana State Code I.C. 36-7-9-1 et seq.

I SWEAR OR AFFIRM, UNDER PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

RECEIVED

JUN 29 2010

BY: \_\_\_\_\_

  
Cory A. Wilson, Building Commissioner  
Madison County, Indiana  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016  
765/641-9541

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison, and State of Indiana, this date: June 27, 2010

My Commission Expires: 11-15-10

  
Elizabeth A. Bruns

This instrument prepared by: END OF DOCUMENT  
Cory A. Wilson

mcpc

Madison  
County  
Planning  
Commission

Madison County  
Government Center  
30 E. 9th Street, Box 15  
Anderson, IN 46016  
Phone: (765) 641-9541  
www.madisonmcpc.org

### NOTICE OF ORDER

Order Date: May 18, 2010

RE: Unsafe Structure / Premise 4010 East 36<sup>th</sup> St, Anderson

William M. Vashbinder  
James E. Beeman  
Bill Beeman  
2517 East 6<sup>th</sup> Street  
Anderson, Indiana 46012

To Whom It May Concern:

This order is to serve notice that you are in violation of the Madison County Unsafe Building Code, which adopts the Indiana Unsafe Building Law (IC 35-7-5) and authorizes the County to hire contractors for completing the actions ordered and to bill the owner all costs associated with the clean-up. You are being ordered to remove the structure(s), vessel(s), and all miscellaneous items of fire-hazardous junk, trash and debris. In addition, the Madison County Board of Commissioners, as the hearing authority, may, after the hearing, order additional action, and where there is willful failure to comply with the order, impose a civil penalty of up to \$1,000 per day.

Time to complete this order is 30 days and this order becomes final 10 days after notice is given, unless a hearing is requested in writing by the owner or other persons having an interest in the property, and the request is delivered to the enforcement authority before the end of the 10-day period.

Note: It is the responsibility of the owner to notify any purchaser of the above listed property of this order and to inform the enforcement authority.

#### Description of the violations of the property:

Visible, uninhabitable fire-damaged structure, miscellaneous fire-hazardous junk, trash, debris resulting in a public nuisance and a immediate public health concern.

If you have any questions about this letter or other planning and development issues, please feel free to contact me at 765-641-9541, or by email at [cawilson@madisoncounty.org](mailto:cawilson@madisoncounty.org).

Order Given By:

  
Cory A. Wilson  
Executive Director, Madison County Plan Commission  
Enforcement Authority Director

Attachment: Legal Description of Property  
Cc: Madison County Board of Commissioners

July 6, 2010

Exhibit E- Facts and Findings (Copy Available in the Auditor's Office)

STATE OF INDIANA )  
COUNTY OF MADISON ) OFFICE OF THE BUILDING COMMISSIONER  
MADISON COUNTY, INDIANA

REPORT OF UNSAFE BUILDING & FINDINGS OF FACT BY THE BUILDING COMMISSIONER

IN RE: William M. Vastbinder  
Tamara E. Vastbinder  
James E. Beeman  
Bill Beeman  
4010 East 37<sup>th</sup> Street  
Anderson, Indiana 46017

Notice to all heirs; or

Owner and/or Party in Interest

The unsafe structure inspection by the Office of the Building Commissioner was conducted on October 7, 2009 & June 16<sup>th</sup>, 2010 of the following described real estate to wit:

Lot # 21 in Hoppes' Valley Grove, a subdivision in Union Township, as recorded in Plat Book 9, page 35, Records of Madison County

- (1) in an impaired structural condition, that makes it unsafe to a person or property;
- (2) a fire hazard;
- (3) a hazard to the public health;
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or;
- (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use is considered an unsafe building. . <AND> . . For purposes of this, . . an unsafe building, and the tract of real property on which the unsafe building is located, are considered "unsafe premises".

The definition of an unsafe building is hereby supplemented to provide minimum standards for building condition or maintenance in Madison County, Indiana, by adding the following to said definitions. Any building or structure, which has any or all of the conditions or defects hereinafter described, shall be deemed an unsafe building, providing that such safety of the public or its occupants are endangered.

The following where indicated are applicable to the above-described real estate:

- \_\_\_\_\_ (a) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- \_\_\_\_\_ (b) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stresses or stresses allowed for new buildings of similar structure purpose or location.
- \_\_\_\_\_ (c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.
- \_\_\_\_\_ (d) Whenever any portion, member, or appurtenance thereof is likely to fail, to become dislodged, or to collapse and thereby injure persons or damage property.
- \_\_\_\_\_ (e) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- \_\_\_\_\_ (f) Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- \_\_\_\_\_ (g) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any cause is likely to partially or completely collapse.
- \_\_\_\_\_ (h) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- \_\_\_\_\_ (i) Whenever the exterior walls or other vertical structure members list, lean or buck to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- \_\_\_\_\_ (j) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

Type of structure inspected (pictures attached):

☒ Residence, Duplex, Apartment, or Other Dwelling Type Building

☒ Garage, Shed, or Other Residential Type Out-Building

\_\_\_\_\_ Commercial or Retail Type Building

\_\_\_\_\_ Agricultural Type Building

\_\_\_\_\_ Industrial Type Building

\_\_\_\_\_ Health Care Type Building

\_\_\_\_\_ School Type Building

\_\_\_\_\_ Storage Type Building

\_\_\_\_\_ Storage Tank(s)

\_\_\_\_\_ Other Public Type Facility

\_\_\_\_\_ Other \_\_\_\_\_  
(Describe)

General Building Description: Fire-damaged structure, chimney, no roof, misc. junk & debris

Said described real estate is declared unsafe as per provisions contained in Building Code, Article Four: Unsafe Building Code for Madison County, Indiana and the adopted provisions of Indiana Code 36-7-9-4. Indiana Code 36-7-9-1 through 36-7-9-28 is incorporated by reference as the County Unsafe Building Ordinance. I.C. 36-7-9-4 states "A building or structure, or any part of a building or structure, that is:

July 6, 2010

- ☒ (k) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.
- ☐ (l) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure is provided by the building regulations of this County or of any law or ordinance of this state or county relating to the condition, location or structure of buildings.
- ☐ (m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- ☐ (n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- ☐ (o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exists, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Commissioner to be a fire hazard.
- ☒ (p) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Pictures Attached.

Dated this 22nd day of June, 2010.



Cory A. Wilson  
Building Commissioner  
Madison County

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this 22 day of June, 2010.

My Commission Expires:

4-18-2017



Judy King

Prepared By:  
Gerald Shine

. Attorney for the property owners, Dan Davisson, was present on their behalf and explained to the Board of Commissioners that the Vasbinders sold this property to Bill and James Beeman. The new property owners did not transfer or record the deed making the County records still showing the owners to be The Vasbinder. County Attorney, Jerry Shine explained to the Commissioners that a notice of the public hearing was sent to The Beemans by certified mail. Since the property was sold by The Vasbinders to The Beemans, no cost of demolition will be charged to the Vasbinders.

No other parties or persons were present

Motion was made by John Richwine to affirm the Order of Demolition and seconded by Jeff Hardin. A roll call vote was taken. Motion carried unanimously.

**4005 E. 37<sup>th</sup> St.**- fire damage, debris.

On May 18, 2010, property owner, William Houston, was notified of the Order of Demolition. Cory Wilson, Building Commissioner presented the following as Exhibits:

Exhibit A-Title Search (Copy Available in the Auditor's Office)

July 6, 2010

**ROWLAND TITLE COMPANY, INC.**

1003 JACKSON STREET  
ANDERSON, INDIANA 46016  
PHONE (765)644-8712 FAX (765)649-2377

ORDER NO. 166867

PREPARED FOR: MADISON COUNTY PLANNING COMMISSION

EFFECTIVE DATE OF SEARCH: APRIL 11, 2010 at 8:00 am

**LEGAL DESCRIPTION:**

BEGINNING AT THE NORTHWEST CORNER OF LOT NUMBERED 3 IN HOPPE'S VALLEY GROVE, A SUBDIVISION IN UNION TOWNSHIP AND RUNNING THENCE EAST 51 FEET, THENCE SOUTH 125 FEET, THENCE WEST 51 FEET TO THE WEST LINE OF SAID LOT NUMBERED 3, THENCE NORTH ON AND ALONG SAID WEST LINE 125 FEET TO THE PLACE OF BEGINNING, BEING A PART OF LOT NUMBERED 3 IN SAID SUBDIVISION.

PARCEL NO. 1 COMMENCING AT A POINT 51 FEET EAST OF THE NORTHWEST CORNER OF LOT NUMBERED 3 IN HOPPE'S VALLEY GROVE, A SUBDIVISION IN UNION TOWNSHIP AND RUNNING THENCE EAST ON THE NORTH LINE OF SAID LOT A DISTANCE OF 51 FEET TO THE NORTHEAST CORNER OF SAID LOT, THENCE SOUTH ON AND ALONG THE EAST LINE OF SAID LOT A DISTANCE OF 125 FEET, THENCE WEST 51 FEET, THENCE NORTH 125 FEET, THENCE WEST 51 FEET, THENCE NORTH 125 FEET TO THE PLACE OF BEGINNING, BEING A PART OF LOT NUMBERED 3 IN SAID SUBDIVISION, IN MADISON COUNTY, INDIANA. PARCEL NO. 2.

SUBJECT TO ALL TAXES, EASEMENTS, RESTRICTIONS, ASSESSMENTS, AND RIGHTS-OF-WAY OF RECORD.  
THE ADDRESS OF SUCH REAL ESTATE IS COMMONLY KNOWN AS 4005 EAST 37TH STREET, ANDERSON, MADISON COUNTY, INDIANA 46017

**COMMONLY KNOWN AS:** 4005 EAST 37TH STREET, ANDERSON, INDIANA 46017

NOTE: The street address is shown for identification purposes and for convenience only. It should not be construed as insuring the accuracy of the street address so it relates to the insured premises.

**CURRENT TITLE HOLDER BY LAST DEED OF RECORD:**

WILLIAM HUSTON

By Deed Recorded On: FEBRUARY 26, 2002  
Instrument No.: 266207503

**UNRELEASED MORTGAGES OF RECORD:**

Mortgage for: \$6,300.00  
From: WILLIAM HUSTON  
To: JAMES MAXWELL  
Dated: NOVEMBER 27, 2001, Recorded: FEBRUARY 26, 2002  
Instrument No.: 266207504  
In the Office of the Recorder of MADISON County, Indiana.

**CERTIFICATE**

This search was performed at the request of the customer. Accordingly, the search was performed on the parcel(s) of real estate from the date that WILLIAM HUSTON took title to the current effective date of APRIL 11, 2010. No search was made for easements, or rights-of-way. Search was made for mortgages, mechanics liens, judgment liens, personal property tax liens, entries in the miscellaneous record, personal property tax judgments, pending law suits and notices of lis pendens. Any matters so found are reflected above.

This product is designed to be used for a low value second mortgage or similar mortgage loan and is not a substitute for title insurance. Further, this product is not appropriate to be used as a title search for foreclosure purposes; for foreclosure purposes a foreclosure commitment should be obtained.

ROWLAND TITLE COMPANY, INC.

DATE: April 26, 2010

BY: TOM ANDERSON  
AUTHORIZED SIGNATORY

THE LIABILITY OF ROWLAND TITLE COMPANY, INC UNDER THIS REPORT OF SEARCH IS LIMITED TO \$250.00

Mortgage for: \$62,400.00  
From: WILLIAM HUSTON  
To: MERS as nominee for CONCORDE ACCEPTANCE CORPORATION  
Dated: MARCH 15, 2005, Recorded: MARCH 16, 2005  
Instrument No.: 2005069927

LAST ASSIGNED TO HOME SOLUTION PARTNER 1, LLC by assignment recorded JULY 9, 2008 in INSTRUMENT NO. 2008010406 in the Office of the Recorder of MADISON County, Indiana.

**MECHANICS LIENS (1 YEAR LAST PAST) OR SEWER LIENS (10 YEARS LAST PAST):**

NONE FOUND

**GENERAL JUDGMENT SEARCH:** NONE FOUND X SEE FOLLOWING FOR FINDINGS INCLUDING FEDERAL TAX, STATE TAX AND PERSONAL PROPERTY TAX LIENS (FOR TEN YEARS LAST PAST)

Pending suit to foreclose the above MORTGAGE filed AUGUST 1, 2006 by ROBERT D COWART ETAL vs. WILLIAM AND MICHELE HUSTON in SUPERIOR ONE Court, of MADISON COUNTY under Cause No. 48D01 6688 MF 00763 Entry Docket 174, page 582.

Default Judgment and Decree of Foreclosure in favor of CHRISTIANA BANK vs. WILLIAM L AND MICHELE R HUSTON ETAL for \$128,743.20, plus costs and interest, rendered \_\_\_\_, in SUPERIOR ONE Court, as Cause No. 48D01 6797 MF 00851, in Judgment Docket 73 page 261.  
[425 E 55TH]

Default Judgment and Decree of Foreclosure in favor of US BANK NA vs. KERRY MC FADDEN AND WILLIAM HUSTON for \$74,464.97, plus costs and interest, rendered \_\_\_\_, in SUPERIOR THREE Court, as Cause No. 48D01 0789 MF 01883, in Judgment Docket 23 page 122. (2482 E 6TH)

Default Judgment and Decree of Foreclosure in favor of DEUTSCHE BANK vs. WILLIAM HUSTON for \$71,148.11, plus costs and interest, rendered NOVEMBER 20, 2008 in SUPERIOR THREE Court as Cause No. 48D03 8807 MF 00906, in Judgment Docket 24 page 154.  
[3287 HIGHLAND]

Default Judgment and Decree of Foreclosure in favor of WELLS FARGO vs. WILLIAM W HUSTON for \$162,295.31, plus costs and interest, rendered \_\_\_\_, in SUPERIOR ONE Court, as Cause No. 48D01 0006 MF 01552 AND 48D01 6810 MF 01863 COMBINED, in Judgment Docket \_\_\_\_, page \_\_\_\_.

Judgment entered DECEMBER 24, 2006 in Judgment Docket 62, page 198, from the SMALL CLAIMS Court of MADISON COUNTY in Cause No. 48E92 6811 SC 03647, in favor of COLLECTION SPECIALISTS against WILLIAM HUSTON for the sum of \$1995.00, plus interest, costs and attorneys fees.

Judgment entered MAY 21, 2008 in Judgment Docket 115, page 146, from the CIRCUIT Court of MADISON COUNTY in Cause No. 33D02 9903 SC 0331, in favor of PEGGY MANOR against WILLIAM AND MICHELE HUSTON for the sum of \$ \_\_\_\_, plus interest, costs and attorneys fees.

Default Judgment and Decree of Foreclosure in favor of DEUTSCHE BANK vs. WILLIAM WAYNE AND MICHELE R HUSTON for \$159,841.36, plus costs and interest, rendered JANUARY 15, 2010 in SUPERIOR ONE Court, as Cause No. 48D01 0911 MF 01888, in Judgment Docket 78 page 110. (716 ISABELLE DR)



July 6, 2010



Exhibit C-Order of Demolition (Copy Available in the Auditor's Office)

STATE OF INDIANA )  
COUNTY OF MADISON )

OFFICE OF THE BUILDING COMMISSIONER  
MADISON COUNTY, INDIANA

EMERGENCY ACTION TAKEN TO DEMOLISH AND REMOVE

TO: William Huston

&

Concorde Acceptance Corporation

&

Home Solution Partner 1, LLC

Notice to all heirs; or

Owner and/or Party in Interest

For the property located at:

LEGAL DESCRIPTION:

beginning at the Northwest Corner of Lot #3 in Hoppes' Valley Grove, A subdivision in Union Township & running thence east 51 feet, thence south 25 feet, thence west 51 feet to the west line of said lot #3, thence north on & along said west line 125 feet to the place of beginning, being part of Lot #3 in said subdivision, Parcel #1 commencing at a point 51 feet east of the northwest corner of Lot #3 in Hoppes' Valley Grove, a subdivision in Union Township & running thence east on the north line of said lot a distance of 51 feet to the northeast corner of said lot, thence south on & along the east line of said lot a distance of 125 feet, thence west 51 feet, thence north 125 feet, thence west 51 feet, thence north 25 feet to the place of beginning, being part of Lot #3 in said subdivision, in Madison County, Indiana. Parcel #2

Commonly Known As 4005 East 37<sup>th</sup> Street, Anderson, Indiana 46017

BUILDING DESCRIPTION:

A recent inspection was conducted on October 7, 2009 & June 16<sup>th</sup>, 2010 by the Office of the Building Commissioner indicates that the building/structure(s) as identified in the "Findings of Fact" and described above is (are) unsafe per County Ordinance Art. 4 Unsafe Buildings seq. and Indiana Statue I.C. 36-7-9-1 et seq. The "Findings of Fact"

detail that the property is in a poor state of repair and that the condition render it unsafe to persons or property. It is an immediate hazard to public health and constitutes a public nuisance. It is found to be an unsafe building as per provisions contained in Ordinance Article 4 Unsafe Buildings et seq for Madison County, Indiana which Ordinance adopts provisions of Indiana Statue I.C. 36-7-9-1 et seq. Therefore, the Building Commissioner has taken emergency action to demolish and remove the structure(s), junk, trash & debris. **The Building Commissioner is conducting an Emergency Bid opening July 6<sup>th</sup>, 2010 at 11:00 AM for emergency demolition.** It is the Building Commissioner's intent to have the structure razed within 48 hours of bid opening.

NOTICE OF REVIEW HEARING

A HEARING WILL BE HELD AT 11:00 AM upon this date: July 6<sup>th</sup>, 2010 in Commissioner's Court Room 110 at 16 East 9<sup>th</sup> Street, Anderson, Indiana. A review hearing has been scheduled for this Emergency Action by the Building Commissioner.

You (or your representative) will be permitted to appear at the hearing alone or with other persons, including an attorney. You may present any evidence concerning your position on the Emergency Action taken by the Building Commissioner. You may also question the Building Commissioner or any other person(s) who speak at the hearing regarding this Emergency Order and Emergency Demolition.

The Board of Commissioners may affirm, modify, or rescind the financial responsibility for this Emergency Action, or may continue this hearing to a future date to allow you to present your case.

IF YOU DO NOT ATTEND, A DECISION WILL BE MADE IN YOUR ABSENCE. If you cannot attend, please be sure to call the Office of the Building Commissioner listed below between 8:00 A.M. and 4:00 P.M., Monday thru Friday. The Building Commissioner or a representative will return your call or someone else will be able to help you. You may also write to the Office of the Building Commissioner at 15 East 9<sup>th</sup> Street, Room 200, Anderson, IN 46016.

DATE OF ISSUE:  
June 22, 2010

  
C. A. Wilson  
BUILDING COMMISSIONER  
Madison County, Indiana  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016  
765/641-9541

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this date: June 22, 2010

My Commission Expires:  
April 18, 2017

  
JUDY KING, NOTARY PUBLIC  
RESIDENT OF MADISON COUNTY, IN

July 6, 2010

ITEMS FOR INSPECTION REPORT:

ENFORCEMENT ACTION

If the Board of Commissioners affirms this Order, you will be financially responsible for the demolition. The Madison County Unsafe Building Law, which includes the Indiana Statute I.C. 36-7-9-1 et seq., permits the Building Commissioner to hire a contractor, selected by public bid to demolish and remove the subject building and make clearance of the property at your expense. In addition to the demolition and removal costs, you will be charged all costs incurred by the County plus an average processing expense to cover the County's administrative expenses in having the building demolished and removed.

If the owner(s) (or life estate holders) do not make arrangements to repay Madison County, the County may take either Court action to recover the money owed and obtain a personal judgment per provisions set out in Indiana Statute I.C. 36-7-9-13; or, certify to the County Auditor the total amount owed, including accrued interest, to be collected on the tax duplicate as a special assessment in the same manner as delinquent taxes are collected as per provisions in Indiana Statute I.C. 36-7-9-13.5.

The Board of Commissioners may also request a Court to appoint a receiver to take control of the property. The Court may also impose penalties up to One Thousand Dollars (\$1,000.00), applicable against each party with an interest in said real estate and/or each party as having committed a Class "C" infraction.

TRANSFER OF PROPERTY WHICH IS  
SUBJECT TO AN ORDER TO DEMOLISH OR REMOVE

If you plan to transfer, (sell, mortgage, rent or lease) this property after receiving this Order, the law and provisions of the Ordinance require you to do the following:

1. Supply full information about the Order to the person(s) to whom the property is being transferred before the transaction is completed, and
2. Within five (5) days after the transfer, supply to the Building Commissioner, in writing, the: 1) name, 2) address, and 3) telephone number of the person(s) to whom the property has been transferred, and 4) an accurate copy of the legal document used for the transaction.

IF YOU HAVE ANY QUESTIONS ABOUT THIS ORDER, PLEASE CONTACT THE OFFICE OF THE BUILDING COMMISSIONER BY CALLING 641-9541 OR BY VISITING THE OFFICE OR WRITING TO THE BUILDING COMMISSIONER AT THE ABOVE ADDRESS.

The "Findings of Fact" are attached.

CORY A. WILSON  
BUILDING COMMISSIONER

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this date: June 22, 2010.

My Commission Expires:  
April 18, 2017

JUDY KING, NOTARY PUBLIC  
RESIDENT OF MADISON COUNTY, IN

Prepared By: Gerald Shine, Jr., County Attorney

Exhibit D-Notice to Owners (Copy Available in the Auditor's

STATE OF INDIANA )  
OFFICE OF THE BUILDING COMMISSIONER  
COUNTY OF MADISON )  
MADISON COUNTY, INDIANA

NOTICE TO OWNER(S) OF PUBLIC BID FOR DEMOLITION

TO: William Huston

&

Concorde Acceptance Corporation

&

Home Solution Partner 1, LLC

Owner and/or Party In Interest

RE: Parcel #1 Beginning at the Northwest Corner of Lot #3 in Hoppes Valley Grove, A subdivision in Union Township & running thence east 51 feet, thence south 125 feet, thence west 51 feet to the west line of said lot #3, thence north on & along said west line 125 feet to the place of beginning, being part of Lot #3 in said subdivision.  
Parcel #2 commencing at a point 51 feet east of the northwest corner of Lot #3 in Hoppes Valley Grove, a subdivision in Union Township & running thence east on the north line of said lot a distance of 51 feet to the northeast corner of said lot, thence south on & along the east line of said lot a distance of 125 feet, thence west 51 feet, thence north 125 feet, thence west 51 feet, thence north 125 feet to the place of beginning, being part of Lot #3 in said subdivision, in Madison County, Indiana.

Commonly known as, 4085 East 37<sup>th</sup> Street, Anderson, Indiana 46017.

The Order to Demolish and Remove the above structure(s) was affirmed or modified by the Building Commissioner of Madison County, Indiana at a hearing on the 18<sup>th</sup> day of May, 2010. This notice is to inform you that there will be a public bidding to hire a contractor to accomplish the demolition to comply with the Order of the Building Commissioner and the Unsafe Building Ordinance of Madison County.

Bids will be opened by the Building Commissioner of the Madison County Planning Commission located at 16 East 9<sup>th</sup> Street, Anderson, IN 46016 at 11:00 AM on the 6th day of July, 2010.

Information regarding the bids on specific structures will be available for review at the Office of the Building Commissioner two days following the bid opening.

Fifteen (15) days after completion of the work by the contractor, you will receive an invoice of the amount due to Madison County. This amount, according to the Unsafe Building Code per County Ordinance Art. 4 Unsafe Building sec. and Indiana Statute I.C. 36-7-9-1 et seq., will represent:

1. The bid price of the work accomplished by the contractor;
2. The costs of the County directly associated with inspection and site monitoring; and
3. The amount of \$\_\_\_\_\_ determined by the Building Commissioner as "average processing expense" which represents administrative and office costs incurred by the Office of the Building Commissioner in performing the required action.

If the amount indicated is not paid after thirty (30) days have elapsed after date of the invoice for completion of the work, the County may either take court action against all persons having a fee interest or life estate interest in the unsafe premises; or, the County can certify to the County Auditor the amount owed, including accrued interest, to be collected on the tax duplicate as a special assessment in the same manner as delinquent taxes are collected as per provisions in Indiana Statute I.C. 36-7-9-13.5.

Date of Issue:  
June 22, 2010

Cory A. Wilson  
Building Commissioner, Madison Cty.  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016

Office)

July 6, 2010

PLANNING COMMISSION  
GIVE 0 LIZ

20100704 AFFIDAVIT \$0.00  
06/29/2010 11:14:04 2 Pgs  
Lise Holley  
Madison County Recorder IN  
Recorded as Presented

STATE OF INDIANA )  
COUNTY OF MADISON )  
OFFICE OF THE BUILDING COMMISSIONER  
MADISON COUNTY, INDIANA

**AFFIDAVIT OF SERVICE**

RE: Emergency Order to Demolish - 4005 East 37<sup>th</sup> Street, Anderson, Indiana

Issuance Date: June 22, 2010

Party to Whom Order Issued:

William Huston

&

Concorde Acceptance Corporation

&

Home Solution Partner 1, LLC

Legal Description of Real Estate, which is Subject of Order:

Beginning at the Northwest Corner of Lot #3 in Hoppes' Valley Grove, A subdivision in Union Township & running thence east 51 feet, thence south 125 feet, thence west 51 feet to the west line of said lot #3, thence north on & along said west line 125 feet to the place of beginning, being part of Lot #3 in said subdivision.  
Parcel #1 commencing at a point 51 feet east of the northwest corner of Lot #3 in Hoppes' Valley Grove, a subdivision in Union Township & running thence east on the north line of said lot a distance of 51 feet to the northeast corner of said lot, thence south on & along the east line of said lot a distance of 125 feet, thence west 51 feet, thence north 125 feet, thence west 51 feet, thence north 125 feet to the place of beginning, being part of Lot #3 in said subdivision, in Madison County, Indiana.  
Parcel #2

Commonly Known As 4005 East 37<sup>th</sup> Street, Anderson, Indiana 46017

Nature of Order:

Being duly sworn upon his oath, the undersigned deposes and says:

1. The above-described Order of the Building commissioner was delivered to the above listed Party by the method indicated below:

\_\_\_\_\_ Services made by publication, as provided by IC 36-7-9-25(b)

\_\_\_\_\_ Delivering a copy of the Order personally.

\_\_\_\_\_ Leaving a copy of the Order at the dwelling house or usual place of abode of the person(s) to be notified.

☒ Mailing a copy of the Order by United States Mail, postage prepaid, with Certified Mail Return Receipt requested, to the address listed above upon this date.

2. This affidavit is made for the purpose of complying with the Madison County Unsafe Building Code as set forth in Article 4 Unsafe Building and Indiana State Code I.C. 36-7-9-1 et seq.

I SWEAR OR AFFIRM, UNDER PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

RECEIVED  
JUN 29 2010



*Cory A. Wilson*  
Cory A. Wilson, Building Commissioner  
Madison County, Indiana  
16 East 9<sup>th</sup> Street, Room 200  
Anderson, IN 46016  
765/641-9541

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison, and State of Indiana, this date: June 29, 2010

My Commission Expires: 11-15-10

This instrument prepared by:  
Cory A. Wilson

*Elizabeth A. Bruas*  
Elizabeth A. Bruas



July 6, 2010

Exhibit E-Facts and Findings ( Copy Available in the Auditor's Office)

STATE OF INDIANA } OFFICE OF THE BUILDING COMMISSIONER  
COUNTY OF MADISON } MADISON COUNTY, INDIANA

REPORT OF UNSAFE BUILDING & FINDINGS OF FACT BY THE BUILDING COMMISSIONER

IN RE: William Huston

&

Concorde Acceptance Corporation

&

Home Solutions Partner 1, LLC

Notice to all heirs; or

Owner and/or Party in Interest

The unsafe structure inspection by the Office of the Building Commissioner was conducted on October 7, 2009 & June 16<sup>th</sup>, 2010 of the following described real estate to-wit:

Beginning at the Northwest Corner of Lot #3 in Hoppes' Valley Grove, A subdivision in Union Township & running thence east 51 feet, thence south 125 feet, thence west 51 feet to the west line of said lot #3, thence north on & along said west line 125 feet to the place of beginning, being part of Lot #3 in said subdivision.

Parcel #1 commencing at a point 51 feet east of the northwest corner of Lot #3 in Hoppes' Valle Grove, a subdivision in Union Township & running thence east on the north line of said lot a distance of 51 feet to the northeast corner of said lot, thence south on & along the east line of said lot a distance of 125 feet, thence west 51 feet, thence north 125 feet, thence west 51 feet, thence north 125 feet to the place of beginning, being part of Lot #3 in said subdivision, in Madison County, Indiana, Parcel #2

Commonly Known As 4005 East 37<sup>th</sup> Street, Anderson, Indiana 46017

Type of structure inspected (pictures attached):

Residence, Duplex, Apartment, or Other Dwelling Type Building

Garage, Shed, or Other Residential Type Out-Building

General Building Description: Fire-damaged structure, chimney, no roof, misc. junk & debris

Said described real estate is declared unsafe as per provisions contained in Building Code, Article Four: Unsafe Building Code for Madison County, Indiana and the adopted provisions of Indiana Code 36-7-9-4. Indiana Code 36-7-9-1 through 36-7-9-28 is incorporated by reference as the County Unsafe Building Ordinance. I.C. 36-7-9-4 states "A building or structure, or any part of a building or structure, that is:

- (1) in an impaired structural condition, that makes it unsafe to a person or property;
- (2) a fire hazard;
- (3) a hazard to the public health;
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or,
- (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use is considered an unsafe building...<AND>... For purposes of this...an unsafe building; and the tract of real property on which the unsafe building is located; are considered "unsafe premises".

The definition of an unsafe building is hereby supplemented to provide minimum standards for building condition or maintenance in Madison County, Indiana, by adding the following to said definitions. Any building or structure, which has any or all of the conditions or defects hereinafter described, shall be deemed an unsafe building, providing that such safety of the public or its occupants are endangered.

The following are applicable to the above-described real estate:

- ☒ Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.
- ☒ Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Pictures Attached.

Dated this 22nd day of June, 2010.

  
Cory A. Wilson  
Building Commissioner  
Madison County

Subscribed and Sworn to before me, a Notary Public, in and for said County of Madison and State of Indiana, this 22 day of June, 2010.

My Commission Expires:

4-18-2017

  
Judy King

Prepared By:  
Gerald Shine

There were no objections or input on this violation.

Motion was made by John Richwine to affirm the Order of Demolition and seconded by Jeff Hardin. A roll call vote was taken. Motion carried unanimously.

July 6, 2010

**IN THE MATTER OF NOTICE TO BIDDERS**

The following bids were received for the demolition of the three properties listed above.

Wreck-N-Ball - 4006 E. 36<sup>th</sup> St.-\$4,725.00  
-4010 E. 36<sup>th</sup> St.-\$4,580.00  
-4005 E. 37<sup>th</sup> St.-\$5,300.00

Davis Excavating – 4006 E. 36<sup>th</sup> St.-\$15,000.00  
-4010 E. 36<sup>th</sup> St.-\$13,500.00  
-4005 E. 37<sup>th</sup> St.-\$7,850.00

Rhino Trucking – 4006 E. 36<sup>th</sup> St.-\$13,250.00  
-4010 E. 36<sup>th</sup> St.-\$7,625.00  
-4005 E. 37<sup>th</sup> St.-\$9,495.00 (+ \$300.00 for burned out tree)

Bolten Contruction- 4006 E. 36<sup>th</sup> St.-\$6,998.00  
-4010 E. 36<sup>th</sup> St.-\$6,998.00  
-4005 E. 37<sup>th</sup> St.-\$6998.00

Watsons Excavating – 4006 E. 36<sup>th</sup> St.-\$2,400.00  
-4010 E. 36<sup>th</sup> St.-\$3,320.00  
-4005 E. 37<sup>th</sup> St.-\$3,790.00

Commissioner Wilson adjourned the meeting for the review of bids. Meeting will reconvene at 2:00 p.m.

Meeting reconvened at 2:00 p.m. with the following motion made:

Motion was made by John Richwine and seconded by Jeff Hardin to award the demolition bid of the three properties in Hoppess Addition to Watson's Excavating as they were the low bidders. Motion was contingent on their bond and insurance being correct and that they understand the specs. A roll call vote was taken. Motion carried unanimously.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_